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## Jan Patočka and Charta 77 as a philosophical problem

**Abstract:** Patočka's philosophical work is very extensive; therefore, it is necessary to pay special attention to each area of his interest. It seems that the most important thing in his philosophical heritage is his effort to bridge political and philosophical thought. The aim of this article is to describe the influence of the philosophy of Jan Patočka on the Charter 77 programme. His role was revealed mainly in providing Charter 77 with the moral and existential context.

**Keywords:** Patočka, Charta 77, Charter 77, living in truth, dissident

In the discussion concerning the meaning and the continuity of Czech history, Patočka had to take the floor. Firstly, he referred to the history of the dispute, arguing against the opinions of Josef Jungmann, Bernard Bolzano, and, above all, Tomáš Masaryk. Secondly, in this context, it is possible to take a wider look at the very concept of Patočka's philosophy of history, looking at it from the angle of its national application, in other words: from the side of the philosophical and political responsibility of individuals in their social and political lives. The most important political event in Czechoslovakia since the Prague Spring in 1968 was undoubtedly the development of the document Charter 77. One of the tasks we set ourselves in connection with Jan Patočka is an attempt to explain what this document was and to explore its philosophical meaning.

The Declaration Charta 77 refers to the Final Act of the 1975 Conference on Security and Cooperation in Europe (Basket III of the Helsinki Accords) and 1966 United Nations covenants on politi-

cal, civil, economic, and cultural rights. Signing it by the communist government of Czechoslovakia in 1975 was, in a sense, recognition that human rights are the foundation of humanity, also in Eastern Europe. A state — let us add, a civilised one — should be based on the solidarity of all those who recognise the validity of moral system. The act of signing the European Convention on Human Rights opened a new stage on the historic road to freedom.

Jan Patočka assigned himself a specific task under a slightly journalistic title “What Charter 77 Is and What It Is Not?” The task — worthy rather of a spokesman-philosopher than just a spokesman — involves a clarification of the theoretical importance of Charter 77 and demonstration that “the law is on its side and no violence can undermine it.”<sup>1</sup> Architects of the declaration desired not only to be able to intellectually confront the expected attacks from the authorities and their political vassals, but — above all — to philosophically justify the declaration. Patočka aimed to show that morality cannot be technically created and that one cannot trust that the actually established order will become our second chance.

Mankind — to develop and enable progress — must have a belief in the unconditionality of common rules, always binding for everyone and allowing for setting goals. No society, even the most civilised one, can function without such rules. Therefore, a state needs something more than just a set of ruling instruments, namely, consistent moral principles. Patočka noticed: “The point of morality is to assure not the functioning of a society but the humanity of humans. Humans do not invent morality arbitrarily, to suit their needs, wishes, inclinations and aspirations. It is morality that defines what being human means.”<sup>2</sup>

The idea of the Charter 77 originators and their message for the citizens are then evident. Patočka and his colleagues made an attempt to take the whole argumentation to another level of discourse. To put it simply, one may say that their intention was to move from a political stand to the sphere of morality; from practical activity — to spiritual dimension. However, Patočka argued that such duality is only apparent and results from historical changes. In fact, the point was to restore the original, Greek meaning — *politikon zoon* — to the politics; to recall the fundamental relationship between the activity and that what is moral; to rediscover the fact that human perfection can be re-

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<sup>1</sup> Cf. J. PATOČKA: “What Charter 77 Is and What It Is Not?” In: *Charter 77 and Human Rights in Czechoslovakia*. Ed. H. GORDON SKILLING. London 1981, p. 217.

<sup>2</sup> *Ibid.*, p. 219.

alised only in a state. Above all, this seemingly apolitical (or even anti-political) project allowed to avoid the charge of a political *coup d'état* and exchanging one party (force) for another. Patočka stated: "The introduced relation between moral and socio-political sphere indicates that the Charter 77 is not about any document of political significance, competition or striking against any political force. The Charter 77 is neither a union nor an organisation. At its heart lies purely personal morality and obligations thereunder have just such a nature."<sup>3</sup>

In no case did Charter 77 violate or question the applicable law. None of its architects aspired to any political function or hoped to become the conscience of nation. In fact, socialism as such was not at stake (certainly not for all signatories), but rather whether it can be democratic or only despotic, as in Czechoslovakia of that time. The new direction proposed by Charter 77 did not oppose the monopoly of power. It concerned morality, both in the individual and in the social dimension. However, moral support mentioned by Patočka is something real, showing that the world is not blurred, that it preserves unity in evaluating certain patterns, that civilised nations ban despotism everywhere, and that defending despotic practices is considered a false excuse.<sup>4</sup> According to Patočka, people must decide for themselves whether they are members of a civilised state society. It was the recognition of human rights that opened the way for such morality.<sup>5</sup> It should be added that Charter 77 played an educational role as well. According to *Paideia* included in it, human life does not come down to fear. Some commentators see the spirit of Kant in the Charter rather than that of Masaryk or phenomenology. And so, Kohák wrote: "There is nothing in it of the mythologising rhetoric influenced by Heidegger. The language and ideals which the Charter expresses derive from Kant in the best sense of the word. Patočka wrote about the moral obligation to oppose violence, about a society which is subject to the moral sense, about everyone's duty towards his or her consciousness, the duty to oppose lawlessness. Because these texts are short, they provide a clear confirmation of the Enlightenment tradition of Czech political thinking."<sup>6</sup>

<sup>3</sup> Ibidem, p. 218.

<sup>4</sup> Cf. J. Patočka: "Východní politika — ano — ale se ctí! (Poslední interview)." In: J. Patočka: *Češi*. Sv. 1. Přípr. K. Palek, I. Chvatík. Praha 2006, p. 446.

<sup>5</sup> Cf. J. Patočka: "Co můžeme očekávat od Charty." In: J. Patočka: *Češi*. Sv. 1. Přípr. K. Palek, I. Chvatík. Praha 2006, p. 444.

<sup>6</sup> E. Kohák: *Domov a dálava. Kulturní totožnost a obecné lidství v českém myšlení*. Praha 2009, p. 254; Cf. J. Čapek: "O povinnosti člověka vůči sobě samému: Patočka, Kant a Charta 77." *Filosofický časopis* 4 (2009), pp. 491—505.

In principle, human rights apply to each member of the community, to each responsible individual. Patočka asked whether human rights are applicable in such a manner as they are formulated in agreements. Are they universal? If yes, is their application subject to exceptions? And finally — can they be subjected to criticism? The very fact that such questions can be asked results from the recognition of the concept of human rights — after all, politics should be subject to these rights and not the other way round.<sup>7</sup> Havel put this idea slightly differently, but in the same spirit. He wrote: “only moral and spiritual orientation based on respect towards some ‘suprahuman’ authority — towards the order of nature or universe, towards the moral order and its supraindividual origins, towards the absolute — can ensure that life on this earth does not disappear as a result of some ‘megasuicide’ and remains bearable, that is, has a human dimension.”<sup>8</sup> Havel explains the matter more clearly than Patočka — he *explicitly* discusses the transcendence of rights and the need for a moral authority. According to Havel, the human being has lost the absolute horizon and thus all values seem relative to them, which in turn leads to the loss of the sense of responsibility. Why should one ever bear it?<sup>9</sup> The Czech writer believed that the sense of solidarity which unified different groups lay at the heart of the Charter. Due to this sense, one was able not only to express one’s truth, but also to defend it no matter what, regardless of the loss of possibly the last hope. In the sombre times of socialism, people were forced to live a lie. But was not the fact that they were capable of such a lie the source of it? As Havel wrote: “The system not only alienates one from another, but at the same time an alienated man supports this system as his own involuntary project. As a fallen image of his own decline. As evidence that he has failed himself.”<sup>10</sup> Let us stay with the topic of living in truth for a while.<sup>11</sup> Havel believed that living in truth could be perceived from many different angles. Primarily, there is an existential desire to achieve the right or —

<sup>7</sup> Cf. J. PATOČKA: “What Charter 77 Is and What It Is Not?” In: *Charter 77 and Human Rights in Czechoslovakia*. Ed. H. GORDON SKILLING. London 1981, p. 218.

<sup>8</sup> V. HAVEL: *Zaoczne przesłuchanie. Rozmowy z Karelem Hvižďalq*. Trans. J. ILLG. Warszawa 1989, p. 9.

<sup>9</sup> Cf. V. HAVEL: “Autorytet i demokracja we współczesnym świecie.” Trans. J. ILLG. In: V. HAVEL: *Zmienić świat. Eseje polityczne*. Selected by A.S. JAGODZIŃSKI. Warszawa 2012, p. 114.

<sup>10</sup> V. HAVEL: “The Power of the Powerless.” Trans. P. WILSON. In: V. HAVEL: *Open Letters: Selected Writings, 1965—1990*. New York 1991, p. 102.

<sup>11</sup> Cf. P. REZEK: “Životní pohyb pravdy a život v pravdě u Jana Patočky.” In: P. REZEK: *Filozofie a politika křče*. Praha 2007, p. 86.

speaking the language of Heidegger — authentic way of being. But we also deal with a noetic dimension, that is, showing what the reality IS, and not how it appears to us. Next, there is a moral dimension — respecting human rights and taking responsibility for their implementation. Finally, life has also a political dimension. A Czech playwright adds: “If life in truth is the elementary basis for all human efforts to oppose the alienating system pressure, if it is the only sensible basis for any independent political activity, and finally, if it is the most significant existential source of dissident attitude, then it is hard to imagine that objectified activities of dissidents could be based on something other than serving truth and true life as well as striving to open the space for life’s real intentions.”<sup>12</sup>

Therefore, the “truth-loving” Havel, and also Patočka, as it seems, believed that there was no difference between personal and public morality. But is it certain that such difference does not exist? The idealisation of dissidents raised some doubts. As Peter Rezek noticed, one becomes a dissident for a number of reasons. Does he or she want to live in truth? Maybe so, maybe not. Political motivations are different and they do not have to refer to truth at all. Is a dissident some god—human? Above all, he or she is prepared to live in conflict with the political force, ready to work in opposition, and the moral issue does not need to be decisive in this case. Havel misidentified the concept of “living in truth” with “real life.” And here an interesting question arises: Can one be a dissident in times of peace? However, resolving this issue should be left for another occasion.<sup>13</sup>

Charter 77 was to be a turning point in citizens’ lives, both in their relation with the state and themselves. After all, politics aims to allow personal self-fulfilment. Patočka very often emphasised the importance of the internal breakthrough (shock) — after all, the point is to take the risk upon oneself. The Prague philosopher argued: “Not only ... fear or profit, but respect for what is higher in humans, a sense of duty, of the common good, and of the need to accept even discomfort to achieve this goal, should henceforth be our motives.”<sup>14</sup> Signatories of Charter 77 were guided by such a sense of duty — they were not acting in the name of any interest or on someone’s order. Hejdánek, spokesman for Charter 77 after Patočka’s passing, believed that being a signatory of this fundamental decla-

<sup>12</sup> Cf. *ibid.*, p. 130.

<sup>13</sup> Cf. P. REZEK: “Ochota ke konfliktu včera a dnes.” In: P. REZEK: *Filozofie a politika kýče*. Praha 2009, p. 152.

<sup>14</sup> J. PATOČKA: “What Charter 77 Is and What It Is Not?” In: *Charter 77 and Human Rights in Czechoslovakia*. Ed. H. GORDON SKILLING. London 1981, p. 219.



ration equalled to a public confirmation of personal commitment.<sup>15</sup> Ludwig Landgrebe, a phenomenologist, recalled his friend: "From the very beginning, Patočka was aware of the risk, but he took it on himself, because he believed that philosophy reaches the truth not only where purely theoretical thinking prevails, but also where one lives in harmony with it."<sup>16</sup> Jan Patočka had no doubt that the activity of people associated with Charter 77 may not make the situation of society any worse. Consent to injustice and living in servitude will never lead to improvement of the situation. Those who are strong may allow themselves more than one who is afraid. People in power will feel insecure only when they realise that injustice will not be forgotten, that human beings can live with dignity under all circumstances and that they know no fear.<sup>17</sup> In his famous passage, Patočka wrote: "people now know that there are some things worth suffering for and that the things for which they suffer are those for which it is worth living."<sup>18</sup>

This is the most important message of the declaration of Czech dissidents. A message saying that there is something more in life than just fear.<sup>19</sup> The followers of Charter 77 were convinced that seeking the truth will prevail over the police and army. Havel argued similarly: a man does not become a dissident by the very act of political choice, but because of the internal sense of responsibility.<sup>20</sup> It is an existential attitude that makes someone a dissident. He wrote: "Patočka said that the most characteristic feature of responsibility is that we assume it everywhere. I think that this results from the fact that in every place the world is surrounded or penetrated by its absolute horizon and we can never cross this horizon, leave it behind or forget about it, even if it is hidden."<sup>21</sup>

<sup>15</sup> Cf. "Beseda Informací o Chartě 77 s Václavem Bendou, Jiřím Hájkem, Václavem Havlem a Ladislavem Hejdánkem (konec dubna 1986)." In: *Charta 77. 1977—1989. Od morální k demokratické revoluci*. Ed. V. PREČAN. Scheinfeld—Bratislava—Praha 1990, p. 143.

<sup>16</sup> L. LANDGREBE: "Jan Patočka." *Philosophy and Phenomenological Research* 38/ 2 (1977), p. 290.

<sup>17</sup> Cf. J. PATOČKA: "Co můžeme očekávat od Charty." In: J. PATOČKA: *Češi*. Sv. 1. Přípr. K. PALEK, I. CHVÁTÍK. Praha 2006, p. 441.

<sup>18</sup> Ibid., p. 443.

<sup>19</sup> Cf. *ibid.*

<sup>20</sup> Cf. V. HAVEL: "The Power of the Powerless." Trans. P. WILSON. In: V. HAVEL: *Open Letters: Selected Writings, 1965—1990*, New York 1991, p. 126.

<sup>21</sup> V. HAVEL: *Letters to Olga (June 1979—September 1982)*. New York 1998, p. 104.

In this regard, Charter 77 — as Josef Zvěřina observed — was an expression of struggle for faith in the human being. The document was not meant to be any agreement between Communists and anti-Communists, believers or non-believers — it was about cross-party partnership which is something deeper than any kind of long- or short-term compromises. What motivated the signatories and evoked the sense of duty and courage in them was the love for freedom. Following the view of this distinguished theologian and philosopher, it should be noted that no politicians, dissidents, or intellectuals stood behind the Charter. Although it may sound slightly pompous, one may say — in the spirit of the time — that what was behind Charter 77 was truth. Dissidents are citizens who have chosen to live in truth, who have dedicated their lives to truth. As far as fights against various occupants are concerned, the consistency of Czechs has indeed been astounding since the times of Jan Hus. Bednář noted: “For this reason, Patočka clearly fits into the tradition of Czechoslovak political philosophy, which implies and defines the politics through what is non-political and through spiritually-rooted morality. Both Masaryk and Patočka demand that life itself — the world of internal moral beliefs — should be an actual basis and purpose of political life. Such a conviction cannot result from a universal progressive world of power.”<sup>22</sup> Helsinki gave rise to anti-political argumentation. In politics, it is impossible to keep one’s hands clean, because the opposition has always something to do with the regime which it defies; therefore, the language of the Helsinki agreements was the language of human rights.

However, Patočka thought that the issue of “non-political politics” could acquire new meaning in modern times. It could mean the solidarity of people who suffered a shock due to specific experiences and — to oppose dogmatism — mobilised themselves to express solidarity with people.<sup>23</sup> And indeed, both Patočka and Havel interpreted politics from the perspective of non-politicalness, that is, from the perspective of experiencing the transcendence (Patočka) and life in truth (Havel). Above all, the essence of anti-politics is the moral renewal of the human being. That is why its goals never have political nature.

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<sup>22</sup> M. BEDNÁŘ: “Obnova československé demokracie a československá tradice filosofie politiky.” In: M. BEDNÁŘ: *České myšlení*. Praha 1996, p. 47.

<sup>23</sup> Cf. J. PATOČKA: “Dopisy Florence Weberové a Janine Pignetové o Chartě 77 (prosinec 1976—únor 1977).” *Reflexe* 32 (2007), p. 10. Cf. V. BĚLOHRADSKÝ: “O politice politické a antipolitické.” In: V. BĚLOHRADSKÝ: *Kapitalismus a občanské ctnosti*. Praha 1992, pp. 31—34.



Undoubtedly, Charter 77 was to inspire citizen's activity, but it did not amount to purely negative motives — it was not meant to be the opposition to power only. The signatories appealed to consciences. Charter 77 created a good opportunity for citizens to be themselves again.<sup>24</sup> Putting it in another perspective, Charter 77 was to show a clear difference between whether one talks with its followers or arrests them.<sup>25</sup>

However, one problem undoubtedly emerges from the Charter's declaration. Although it was not explicitly formulated there, it directly resulted from it. The question is — what to do next? Does Charter 77 have a specific purpose? If yes, how can it be accomplished? Because no specific answer was provided, Charter 77 lost its original force. Benda, Charter spokesman in the years 1979–1984, concluded: "The Charter had at least two notable successes on its account: it covered unbelievably wide scale of political views and civic mentality as well as it managed to stay on the grounds of legality. However, the consequence for these achievements was the fact that it found itself in a considerably schizophrenic situation. On one hand, inevitably, we all agree — despite profound differences in opinions on the validity of criticism and even more profound differences in views on a possible improvement — on a very gloomy evaluation of the system and functioning of the current political power. But on the other hand, we act as if we did not notice that declarations of the authorities on their good intentions and provisions of law, for which they limit their totalitarianism only seemingly, are just a propaganda screen."<sup>26</sup> In this sense, the Communist power succeeded in struggling against Charter 77. But this success does not lie in arrests, harassment or the voice of so-called "anti-charter." The authorities managed to dismiss the moral reasoning which was the greatest weapon of the dissidents. The fact that Charter 77 proclaimed an ethical attitude was also its disadvantage. The lack of political aspect did not force citizens to engage.<sup>27</sup>

<sup>24</sup> Cf. J. PATOČKA: "Co můžeme očekávat od Charty." In: J. PATOČKA: *Češi*. Sv. 1. Přípr. K. PALEK, I. CHVATÍK. Praha 2006, p. 441.

<sup>25</sup> Cf. J. PATOČKA: "Východní politika — ano — ale se ctí! (Poslední interview)." In: J. PATOČKA: *Češi*. Sv. 1. Přípr. K. PALEK, I. CHVATÍK. Praha 2006, p. 447.

<sup>26</sup> V. BENDA: "Parallel Polis' or an Independent Society in Central and Eastern Europe. An Inquiry." *Social Research* 55/ 1–2 (1988), p. 175.

<sup>27</sup> Cf. H. GORDON SKILLING: "Charta 77 — pohled ze zahraničí." In: *Charta 77. 1977–1989. Od morální k demokratické revoluci*. Ed. V. PREČAN. Scheinfeld—Bratislava—Praha 1990, p. 186.

For some time, the Charter managed to remove this drawback by emphasising the advantage of the ethical aspect over political activities in its declarations. Benda rightly pointed out that the moral attitude proclaimed by Charter 77 was too abstract. It lacked positive content as well as showing the way and direction of action. In a sense, such an abstract attitude meant only a gesture that could not last long. It is not enough to say that a citizen should fight against power representing evil — this would be ineffective and even suicidal. One cannot demand reforms from the authorities — this would be unrealistic. However, there is a third way. As official structures do not work or work poorly and harmfully, Benda postulates: “I suggest that we should unite in gradual creation of parallel structures that are capable, to a limited degree at least, of supplementing the generally beneficial and necessary functions that are missing in the existing structures, and where possible to use those existing structures to ‘humanise them.’”<sup>28</sup>

It is worth noting that *parallel polis* tacitly implied hostility toward those who were not dissidents. In a sense, its proponents condemned them because they did not fight with the regime.<sup>29</sup> Charter 77 in its original intention, it seems, based on cooperation, but without sacrificing individuality. It sought what unites, and did not — as it always happens in politics — emphasise what divides people. We can say that Patočka’s involvement in politics was a surprise for both his friends and the State Security. As Jan Sokol observed: “Active citizenship in Charter 77 shortened the life of Jan Patočka, but at the same time thanks to it he became known, especially abroad.”<sup>30</sup> This immediately raises the question: why did an apolitical person involve in politics? And perhaps even more important: how did it happen that he was so well prepared for the task?<sup>31</sup>

Patočka rejected philosophising *in abstracto*, the abstract concepts of the game — *Begriffsbildung*. On the contrary: philosophy is where it can be “applied” in practice, because otherwise it ceases to be philosophy. The author of *Heretical Essays in the Philosophy of History* thought that philosophising takes place in a concrete world, connecting with *praxis*, and so it also lives on political ideas. A philosopher

<sup>28</sup> V. BENDA: “‘Parallel Polis’”..., p. 160.

<sup>29</sup> Cf. J. ŠABATA: “Moje (politické) pobývání s Chartou.” In: *Charta 77 očima současníků*. Ed. B. CÍSAŘOVSKÁ AJ. Brno—Praha, 1997, p. 147.

<sup>30</sup> J. SOKOL: “Jan Patočka a Charta 77.” *Reflexe* 32 (2007), p. 15.

<sup>31</sup> Cf. I. CHVATÍK: “Religion oder Politik? Zu Patočkas Begriff des politischen Handelns.” In: *Lebenswelt und Politik. Perspektiven der Phänomenologie nach Husserl*. Eds. G. LEGHISSE, M. STAUDIGL. Würzburg 2007, pp. 147—158.

should have the right to change the world, prompted by the internal sense of the truth.<sup>32</sup>

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<sup>32</sup> Cf. J. PATOČKA: "Platonismus a politika." In: PATOČKA: *Péče o duši*. Sv. 1. Přípr. I. CHVATÍK, P. KOUBA. Praha 1996, p. 22.

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